

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ROCKY MEL CONTRERAS,

Plaintiff,

v.

WES WESLEY, et al,

Defendant.

CASE NO. C12-5971RBL

ORDER DENYING MOTION FOR
LEAVE TO PROCEED IN FORMA
PAUPERIS [DKT. 1] AND
DENYING MOTION FOR
DISCOVERY AND INSPECTION
[DKT. 3]

THIS MATTER is before the Court on two motions by Plaintiff, Rocky Mel Contreras. The Court has reviewed the Complaint and the mistitled Motion for Discovery and Inspection. In the Motion for Discovery and Inspection, the plaintiff does nothing more than to supply information about his indigency. It is not a discovery request to any party.

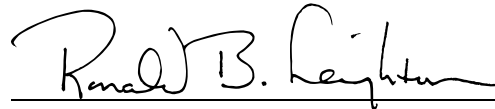
A district court may permit indigent litigants to proceed *in forma pauperis* upon completion of a proper affidavit of indigency. *See* 28 U.S.C. § 1915(a). The court has broad discretion in resolving the application, but “the privilege of proceeding *in forma pauperis* in civil actions for damages should be sparingly granted.” *Weller v. Dickson*, 314 F.2d 598, 600 (9th Cir. 1963), *cert. denied* 375 U.S. 845 (1963). Moreover, a court should “deny leave to proceed *in forma pauperis* at the outset if it appears from the face of the proposed complaint that the

1 action is frivolous or without merit.” *Tripati v. First Nat’l Bank & Trust*, 821 F.2d 1368, 1369
2 (9th Cir. 1987) (citations omitted); *see also* 28 U.S.C. § 1915(e)(2)(B)(i). An *in forma pauperis*
3 complaint is frivolous if “it ha[s] no arguable substance in law or fact.” *Id.* (citing *Rizzo v.*
4 *Dawson*, 778 F.2d 527, 529 (9th Cir. 1985); *Franklin v. Murphy*, 745 F.2d 1221, 1228 (9th Cir.
5 1984).

6 A review of the Complaint convinces the Court that the Complaint is frivolous and it has
7 no arguable substance in law or fact. For that reason, the Motion for Leave to Proceed *In Forma*
8 *Pauperis* [Dkt. #1] is **DENIED**. The Motion for Discovery and Inspection [Dkt. #3] is **DENIED**
9 **AS MOOT**.

10 **IT IS SO ORDERED.**

11 Dated this 12th day of December, 2012.

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13 Ronald B. Leighton
14 United States District Judge
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